IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 19984 of 2007(D)

PETITIONER:

K.C. LALITHA, W/O.LATE U.VIJAYARAGHAVAN,
'ANUGRAH', PANICKER ROAD, CALICUT-11.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS:
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1. ADDITIONAL DISTRICT MAGISTRATE,
KOZHIKODE.

2. THE ASST. EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,MANAKAVU,KOZHIKODE.

3. U.C. DINESH, S/O. U.C. RAVEENDRAN,
'NARMADA', PANICKER ROAD, CALICUT-11.

4. U. JAYANARAYANAN,
3/1618, JAYANTHI, PANICKER ROAD, CALICUT-11.

R1 BY G.P. SRI. P.N. SANTHOSH
R2 BY SC SRI. P.P. THAJUDEEN
R3 AND R4 BY ADV. SRI.P.N.RAVINDRAN
SMT.PREETHY KARUNAKARAN
SMT.M.M.DEEPA
SRI.JAYKAR.K.S.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE REPRESENTATION DATED 7.9.2004 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT

EXT.P2 TRUE COPY OF THE REPLY DATED 29.10.2004 OF THE 2ND RESPONDENT.

EXT.P3 TRUE COPY OF THE APPLICATION DATED 19.11.2004 FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

EXT.P4 TRUE COPY OF THE SKETCH PRODUCED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

EXT.P5 TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 29.11.2006

EXT.P7 TRUE PHOTOGRAPHS SHOWING THE LOWERING OF ELECTRIC LINE THROUGH THE PETITIONER'S PROPERTY.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 19984 OF 2007

Dated this the 5th day of September, 2007

JUDGMENT

Heard counsel for the petitioner and counsel appearing for respondents 3 and 4 and standing counsel for KSEB. Electric connection is given to 3rd respondent over petitioner's property with consent given by her husband. However, petitioner made a request for shifting the line which was rejected by the ADM vide Ext.P5 order, which is under challenge in this W.P. Petitioner has produced Ext.P4 sketch which shows that common pathway of 10ft. width is provided between the houses of close relatives. The beneficiary, namely, the third respondent's house is on the side of the said road. At present the line though weather proof is crossing the property of the petitioner. Therefore if line can be drawn by installing a support pole for weather proof line without obstructing the narrow road, it should be drawn through the said road passing between the houses of respondents 3 and 4. Since the length of the cable will be within 35 metres second respondent can draw line with weather proof cable with the help of one

or two poles of smaller diamension installed at the extreme edge of the road. If possible pipes can be used for drawing the weather proof cable. On the other hand, if traffic is affected on account of installation of posts, second respondent will if possible lay underground cable for retaining the connection to the third respondent. If either of these is not possible, there will be direction to the second respondent to shift and instal the post exactly in between the property of the petitioner and one Gopinath on the road side and draw weather proof cable over the compound wall in between the property of the petitioner and Gopinath so that petitioner's property will be completely liberated from the line. The cost involved should be charged from the petitioner. Second respondent is directed to shift the line as stated above. Ext.P5 order stands modified as above with direction to the second respondent to shift the line within two weeks from the date of production of a copy of this judgment by the petitioner.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge